

Exhibit 1

(AR, Tab 194)

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

September 21, 2009

Mr. Derron J. Blakely
Covington & Burlington, LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

RE: FOIA 09-26

Dear Mr. Blakely:

On August 31, 2009, you submitted a request under the Freedom of Information Act (FOIA) to provide you with a copy of any records memorializing or pertaining to the Office of Science and Technology Policy's (OSTP) consideration of the application of the United States Space Transportation Policy to launch vehicles proposed to be used in connection with NASA procurement RFP NNJ08ZBG001R (International Space Station Commercial Resupply Services). OSTP received your request that day, August 31, 2009.

OSTP found 151 pages of documents. Of these pages:

- 98 pages have redactions under 5 USC 552(b)(4) (regarding trade secrets and privileged commercial or financial information)
- 1 page has redactions under 5 USC 552(b)(6) (unwarranted invasion of personal privacy)
- 6 pages have been redacted because they originated from and are being referred to the Office of the Secretary of Defense
- 1 page has been redacted because it originated from and is being referred to the Air Force
- 2 pages have been redacted because they originated from and are being referred to the NOAA
- 8 pages have been redacted because they are otherwise unresponsive to your request.

For your reference, attached, please find the referral letters to other agencies.

If you consider this to be an inappropriate denial of your request, you may make an appeal in writing within 30 days of receipt of this letter. The appeal letter should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



David Hodge

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

September 21, 2009

National Oceanic and Atmospheric Administration
Freedom of Information Act Request
Public Reference Facility (OFA56)
1315 East West Highway (SSMC3)
Room 10730
Silver Spring, Maryland 20910

Re: OSTP FOIA No. 09-26

Dear FOIA Officer:

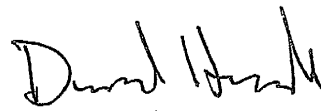
The Office of Science and Technology Policy (OSTP), Executive Office of the President, received a FOIA request from Mr. Derron J. Blakely on August 31, 2009. We found 2 pages of potentially responsive documents that originated from NOAA. We are referring those documents to you for NOAA's FOIA determination. We have also enclosed OSTP's response to Mr. Blakely.

Please send your determination directly to Mr. Blakely, with a cc: to us. Mr. Blakely may be reached at:

Mr. Derron J. Blakely
Covington & Burlington, LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

If you have any questions, please do not hesitate to contact Rachael Leonard, Acting General Counsel, at 202-456-6125 or rleonard@ostp.eop.gov.

Sincerely,


Dave Hodge

31794

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

September 21, 2009

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155

Re: OSTP FOIA No. 09-26

Dear FOIA Officer:

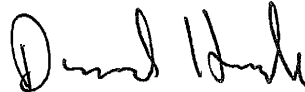
The Office of Science and Technology Policy (OSTP), Executive Office of the President, received a FOIA request from Mr. Derron J. Blakely on August 31, 2009. We found 6 pages of potentially responsive documents that originated from OSD. We are referring those documents to you for OSD's FOIA determination. We have also enclosed OSTP's response to Mr. Blakely.

Please send your determination directly to Mr. Blakely, with a cc: to us. Mr. Blakely may be reached at:

Mr. Derron J. Blakely
Covington & Burlington, LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401

If you have any questions, please do not hesitate to contact Rachael Leonard, Acting General Counsel, at 202-456-6125 or rleonard@ostp.eop.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Hodge", written in a cursive style.

Dave Hodge

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

September 21, 2009

Air Force Freedom of Information,
Privacy Act and Quality of Information Office
Public Liaison
1800 Air Force Pentagon
Washington, DC 20330-1800

Re: OSTP FOIA No. 09-26

Dear FOIA Officer:

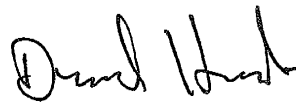
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Please send your determination directly to Mr. Blakely, with a cc: to us. Mr. Blakely may be reached at:

Mr. Derron J. Blakely
Covington & Burlington, LLP
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Sincerely,

A handwritten signature in black ink, appearing to read "Dave Hodge", written in a cursive style.

Dave Hodge

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Monday, July 10, 2006 3:30 PM
To: Wells, Damon R.
Subject: Taurus II

(b)(4)

Damon

As part of the interagency meeting, can we ensure that the [REDACTED] desk is represented or should that be a separate meeting?

Mark

Notice: This e-mail is intended solely for use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged and exempt from disclosure under applicable law. If the reader is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. This communication may also contain data subject to U.S. export laws. If so, that data subject to the International Traffic in Arms Regulation cannot be disseminated, distributed or copied to foreign nationals, residing in the U.S. or abroad, absent the express prior approval of the U.S. Department of State. If you have received this communication in error, please notify the sender by reply e-mail and destroy the e-mail message and any physical copies made of the communication. Thank you.

31797

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Saturday, July 08, 2006 6:31 PM
To: Wells, Damon R.
Subject: Taurus II

Damon,

I've gotten the green light from management to ask you for that broader meeting you suggested re: pulsing the USG about the Taurus II. Is it timely on your end?

Mark

Mark E. Bitterman
Senior Vice President, Government Relations
Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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31798

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Monday, July 10, 2006 3:39 PM
To: Wells, Damon R.
Subject: Re: Taurus II

Great

We were hoping to get a meeting between the 20th and 31st of this month. Is that realistic?

Mark

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----- Original Message -----

From: "Wells, Damon R." [Damon_R._Wells@ostp.eop.gov]
Sent: 07/10/2006 03:34 PM
To: "Mark Bitterman" <Bitterman.Mark@orbital.com>
Subject: RE: Taurus II

Hey Mark -

Am getting swamped with Shuttle stuff right now so I've been a bit slow on messages (sigh). On timing...it would be best if I could get through the Shuttle mission, then perhaps take this up in later July. Does that work OK? On [REDACTED] desk..I think it's OK for them to be there in the same interagency meetings with space crowd and I'll try to make sure of that. That is typically the approach used by State...especially if they're staffing and coordinating well...

Damon

-----Original Message-----

From: Mark Bitterman [mailto:Bitterman.Mark@orbital.com]
Sent: Monday, July 10, 2006 3:30 PM
To: Wells, Damon R.
Subject: Taurus II

Damon

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Mark

31799

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approval of the U.S. Department of State. If you have received this communication in error, please notify the sender by reply e-mail and destroy the e-mail message and any physical copies made of the communication. Thank you.

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Tuesday, August 01, 2006 12:15 PM
To: Wells, Damon R.
Subject: RE: Taurus II

OK, my friend, July is over...

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

"Wells, Damon R."
<Damon_R._Wells@o
stp.eop.gov>

07/10/2006 03:34
PM

"Mark Bitterman"
<Bitterman.Mark@orbital.com>

To

cc

Subject

RE: Taurus II

(b)(4)

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Damon

-----Original Message-----

From: Mark Bitterman [mailto:Bitterman.Mark@orbital.com]
Sent: Monday, July 10, 2006 3:30 PM
To: Wells, Damon R.
Subject: Taurus II

31801

(b)(4)

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As part of the interagency meeting, can we ensure that the [REDACTED] desk is represented or should that be a separate meeting?

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31802

Wells, Damon R.

From: Wells, Damon R.
Sent: Friday, August 11, 2006 7:33 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Egan, Michael, Dr, OSD-NII'; 'Shearer Thomas Col. SAF/USI'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'douglas.brauer@noaa.gov'; 'dennis.deziel@dhs.gov'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Sloan, John J.
Subject: Orbital Sciences Briefing and Issue

(b)(4)

All -

There will be an interagency working group meeting on August 31st at 3:00 p.m. (New Executive Office Building, room 5213) during which Orbital Sciences will be providing a briefing on a new launch vehicle development activity that Orbital is pursuing. Known as the Taurus II, this vehicle would fall roughly in the Delta II-class in terms of performance and, significantly, would utilize both U.S.-origin and foreign components [REDACTED], as well as components that were manufactured originally overseas but now reportedly have undergone extensive modification by a U.S. company (the AJ26-58 engine, which is an Aerojet-modified version of the old NK-33 engine).

Orbital has asked whether such a vehicle would be considered a "space launch vehicle manufactured in the United States" under the provision in the Space Transportation Policy that requires USG payloads to be launched on such vehicles unless otherwise exempted. Answering this question will require interagency discussion and review, and this meeting is intended to kick that discussion off. After Orbital has completed its briefing and we have had an opportunity for some Q&A with the company, we plan to allow some time for USG-only discussion as well.

If you plan to attend this meeting, please e-mail your name/dob/social to Sandra Toomey at stoomey@ostp.eop.gov for clearance into the building, and let me know if you have any questions. FYI, I will be out of the office during the week of the 14th but will return on the 21st.

thanks,

Damon Wells
202-456-6044

31803

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Monday, September 11, 2006 1:43 PM
To: Wells, Damon R.
Subject: Taurus II

Damon

Bob indicated he was awaiting some sort of feedback from you and other govt attendees?

Thanks much

Mark

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31804

Wells, Damon R.

From: Wells, Damon R.
Sent: Monday, September 11, 2006 4:00 PM
To: 'Hilley, Dennis, Col, OSD-NII'
Cc: 'Oldenburg, Thomas, CTR, OSD-POLICY'
Subject: RE: Orbital Sciences Briefing and Issue (FOUO)

Dennis -

I hear you. I'm sort of sticking to the questions for this phase of the effort, as opposed to signaling agency intents/preferences on use, but I understand where you're coming from!

thanks,

damon

From: Hilley, Dennis, Col, OSD-NII [mailto:Dennis.Hilley@osd.mil]
Sent: Monday, September 11, 2006 3:50 PM
To: Wells, Damon R.; Egan, Michael, Dr, OSD-NII; Shearer Thomas Col. SAF/USI; Cline, Lynn (HQ-CA000); Trueheart Tim Ctr SAF/USIX; meyerle@nro.mil; spencjef@nro.mil; Hall, John F. (HQ-ND070); Jim Coates; braibantirl@state.gov; Hodgkins, Kenneth D (OES); mobrien@hq.nasa.gov; Oldenburg, Thomas, FFRDC, OSD-POLICY; patti.smith@faa.gov; herbert.bachner@faa.gov; kim_wells@ita.doc.gov; douglas.brauer@noaa.gov; dennis.deziel@dhs.gov; kennedy.wilson@state.gov; robin.athey@faa.gov; nolenal@state.gov; john.sloan@faa.gov
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Egan, Michael, Dr, OSD-NII
Subject: RE: Orbital Sciences Briefing and Issue (FOUO)

*Refer to
OSD*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Wells, Damon R. [mailto:Damon_R._Wells@ostp.eop.gov]
Sent: Monday, September 11, 2006 2:44 PM
To: Wells, Damon R.; Hilley, Dennis, Col, OSD-NII; Egan, Michael, Dr, OSD-NII; Shearer Thomas Col. SAF/USI; Cline, Lynn (HQ-CA000); Trueheart Tim Ctr SAF/USIX; meyerle@nro.mil; spencjef@nro.mil; Hall, John F. (HQ-ND070); Jim Coates; braibantirl@state.gov; Hodgkins, Kenneth D (OES); mobrien@hq.nasa.gov; Oldenburg, Thomas, FFRDC, OSD-POLICY; patti.smith@faa.gov; herbert.bachner@faa.gov; kim_wells@ita.doc.gov; douglas.brauer@noaa.gov; dennis.deziel@dhs.gov; kennedy.wilson@state.gov; robin.athey@faa.gov; nolenal@state.gov; john.sloan@faa.gov
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher
Subject: RE: Orbital Sciences Briefing and Issue

All -

31805

This is just a friendly reminder that September 8 was the deadline for sending me any questions that you would like to have conveyed to Orbital Sciences regarding their Taurus II launch vehicle development proposal. I've heard from a few of you, but not many. If there are issues you'd like to explore with Orbital, please pass those questions to me NLT Wednesday, the 13th, so that I can consolidate the list and transmit it to Orbital. And if you don't have any questions, of course feel free to let me know that as well.

Thanks,

Damon

From: Wells, Damon R.

Sent: Friday, August 11, 2006 7:33 PM

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Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Sloan, John J.

Subject: Orbital Sciences Briefing and Issue

(b)(4)

All -

There will be an interagency working group meeting on August 31st at 3:00 p.m. (New Executive Office Building, room 5213) during which Orbital Sciences will be providing a briefing on a new launch vehicle development activity that Orbital is pursuing. Known as the Taurus II, this vehicle would fall roughly in the Delta II-class in terms of performance and, significantly, would utilize both U.S.-origin and foreign components (_____), as well as components that were manufactured originally overseas but now reportedly have undergone extensive modification by a U.S. company (the AJ26-58 engine, which is an Aerojet-modified version of the old NK-33 engine).

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If you plan to attend this meeting, please e-mail your name/dob/social to Sandra Toomey at stoomey@ostp.eop.gov for clearance into the building, and let me know if you have any questions. FYI, I will be out of the office during the week of the 14th but will return on the 21st.

thanks,

Damon Wells
202-456-6044

This may contain information exempt from mandatory disclosure under the Freedom of Information Act (FOIA).

31806

Wells, Damon R.

From: Hilley, Dennis, Col, OSD-NII [Dennis.Hilley@osd.mil]
Sent: Monday, September 11, 2006 4:16 PM
To: Wells, Damon R.
Subject: RE: Orbital Sciences Briefing and Issue (FOUO)

Refer to OSD

[REDACTED]

From: Wells, Damon R. [mailto:Damon_R._Wells@ostp.eop.gov]
Sent: Monday, September 11, 2006 4:00 PM
To: Hilley, Dennis, Col, OSD-NII
Cc: Oldenburg, Thomas, FFRDC, OSD-POLICY
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Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Egan, Michael, Dr, OSD-NII
Subject: RE: Orbital Sciences Briefing and Issue (FOUO)

Refer to OSD

[REDACTED]

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Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher
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Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Sloan, John J.

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Damon Wells
 202-456-6044

This may contain information exempt from mandatory disclosure under the Freedom of Information Act (FOIA).

31808

From: Smith Pat Col SAF/USAL [pat.smith@pentagon.af.mil]
Sent: Monday, September 11, 2006 4:21 PM
To: Wells, Damon R.
Cc: Hilley, Dennis, Col, OSD-NII; Egan, Michael, Dr, OSD-NII; Oldenburg, Thomas, FFRDC, OSD-POLICY
Subject: [REDACTED]

Ref: AF

1.

Wells, Damon R.

From: Wells, Damon R.
Sent: Thursday, September 21, 2006 7:38 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Egan, Michael, Dr, OSD-NII'; 'Shearer Thomas Col. SAF/USI'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'douglas.brauer@noaa.gov'; 'dennis.deziel@dhs.gov'; 'kennedy.wilson@state.gov'; 'robin.athey@faa.gov'; 'nolenal@state.gov'; 'john.sloan@faa.gov'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher
Subject: Questions on Taurus II
Attachments: TaurusII questions.doc

All -

Many thanks for your efforts last week in terms of supplying questions for Orbital Sciences regarding its Taurus II proposal. Given the press of business lately, I am running a bit behind in terms of sending these questions to Orbital, but I plan to do so tomorrow morning. The draft list of questions is attached, reflecting some consolidating and reorganizing on my part relative to what you submitted.

So....please let me know by early tomorrow morning if you have any last-minute additions, changes or concerns, but otherwise this is the list that will go to Orbital (likely with a two-week suspense). (Note - you will get an out-of-office message if you reply to this note tomorrow morning, but not to worry...I will be working at home in the morning and will see your message!)

thanks,

Damon Wells
 OSTP
 202-456-6044

From: Wells, Damon R.
Sent: Monday, September 11, 2006 2:44 PM
To: Wells, Damon R.; 'Hilley, Dennis, Col, OSD-NII'; 'Egan, Michael, Dr, OSD-NII'; 'Shearer Thomas Col. SAF/USI'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'douglas.brauer@noaa.gov'; 'dennis.deziel@dhs.gov'; 'kennedy.wilson@state.gov'; 'robin.athey@faa.gov'; 'nolenal@state.gov'; 'john.sloan@faa.gov'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher
Subject: RE: Orbital Sciences Briefing and Issue

All -

This is just a friendly reminder that September 8 was the deadline for sending me any questions that you would like to have conveyed to Orbital Sciences regarding their Taurus II launch vehicle development proposal. I've heard from a few of you, but not many. If there are issues you'd like to explore with Orbital, please pass those questions to me NLT Wednesday, the 13th, so that I can consolidate the list and transmit it to Orbital. And if you don't have any questions, of course feel free to let me know that as well.

Thanks,

Damon

31810

From: Wells, Damon R.

Sent: Friday, August 11, 2006 7:33 PM

To: 'Hilley, Dennis, Col, OSD-NII'; 'Egan, Michael, Dr, OSD-NII'; 'Shearer Thomas Col. SAF/USI'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'douglas.brauer@noaa.gov'; 'dennis.deziel@dhs.gov'

Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Sloan, John J.

Subject: Orbital Sciences Briefing and Issue

(b)(4)

All -

There will be an interagency working group meeting on August 31st at 3:00 p.m. (New Executive Office Building, room 5213) during which Orbital Sciences will be providing a briefing on a new launch vehicle development activity that Orbital is pursuing. Known as the Taurus II, this vehicle would fall roughly in the Delta II-class in terms of performance and, significantly, would utilize both U.S.-origin and foreign components [REDACTED] as well as components that were manufactured originally overseas but now reportedly have undergone extensive modification by a U.S. company (the AJ26-58 engine, which is an Aerojet-modified version of the old NK-33 engine).

Orbital has asked whether such a vehicle would be considered a "space launch vehicle manufactured in the United States" under the provision in the Space Transportation Policy that requires USG payloads to be launched on such vehicles unless otherwise exempted. Answering this question will require interagency discussion and review, and this meeting is intended to kick that discussion off. After Orbital has completed its briefing and we have had an opportunity for some Q&A with the company, we plan to allow some time for USG-only discussion as well.

If you plan to attend this meeting, please e-mail your name/dob/social to Sandra Toomey at stoomey@ostp.eop.gov for clearance into the building, and let me know if you have any questions. FYI, I will be out of the office during the week of the 14th but will return on the 21st.

thanks,

Damon Wells
202-456-6044

31811

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Wednesday, October 18, 2006 11:34 AM
To: Wells, Damon R.; Mark Bitterman
Subject: Answers to OSTP
Attachments: OSTP Questions.doc

Damon

Sorry for the delay in providing these responses

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

(See attached file: OSTP Questions.doc)

Notice: This e-mail is intended solely for use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged and exempt from disclosure under applicable law. If the reader is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. This communication may also contain data subject to U.S. export laws. If so, that data subject to the International Traffic in Arms Regulation cannot be disseminated, distributed or copied to foreign nationals, residing in the U.S. or abroad, absent the express prior approval of the U.S. Department of State. If you have received this communication in error, please notify the sender by reply e-mail and destroy the e-mail message and any physical copies made of the communication. Thank you.

31812

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Wednesday, March 07, 2007 3:28 PM
To: Wells, Damon R.
Subject: Taurus II follow-up

(b)(4)

Damon,

Sorry to keep pushing on this issue but I am getting significant pressure from my executives down the hall.. We really need to get in front of the right folks -- OSTP, NSC, NASA, State [REDACTED] Desk and others as appropriate), etc. Our team just returned from another trip to the [REDACTED] and are anxious to have a detailed dialogue with the USG. I did have a chance to raise the issue with Phil when I met with him a couple of weeks back. He may have mentioned it to you.

Thanks

Mark

Mark E. Bitterman
Senior Vice President, Government Relations
Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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31813

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Friday, March 16, 2007 2:43 PM
To: Wells, Damon R.
Subject: Re: C-Springs

What about a Taurus II mtg here the week after next?

Notice: This e-mail is intended solely for use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged and exempt from disclosure under applicable law. If the reader is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. This communication may also contain data subject to U.S. export laws. If so, that data subject to the International Traffic in Arms Regulation cannot be disseminated, distributed or copied to foreign nationals, residing in the U.S. or abroad, absent the express prior approval of the U.S. Department of State. If you have received this communication in error, please notify the sender by reply e-mail and destroy the e-mail message and any physical copies made of the communication. Thank you.

----- Original Message -----

From: "Wells, Damon R." [Damon_R._Wells@ostp.eop.gov]
Sent: 03/16/2007 02:38 PM
To: Mark Bitterman
Cc: "Samanta Roy, Robie I." <Robie_I._SamantaRoy@ostp.eop.gov>
Subject: RE: C-Springs

TBD. Robie probably won't be going, and I am a "maybe" due to other scheduling issues here. If I make it to Colorado, I definitely would be available for a Taurus II update however. I should know in a few weeks, so let's re-connect then....

Damon

-----Original Message-----

From: Mark Bitterman [mailto:Bitterman.Mark@orbital.com]
Sent: Friday, March 16, 2007 2:30 PM
To: Wells, Damon R.; Robie I. Samanta Roy, Ph.D
Subject: C-Springs

Thought we might be able to catch you guys for a Taurus II discussion at the Symposium.

Please advise.

Mark

Notice: This e-mail is intended solely for use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged and exempt from disclosure under applicable law. If the reader is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby

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notified that any dissemination, distribution or copying of this communication is strictly prohibited. This communication may also contain data subject to U.S. export laws. If so, that data subject to the International Traffic in Arms Regulation cannot be disseminated, distributed or copied to foreign nationals, residing in the U.S. or abroad, absent the express prior approval of the U.S. Department of State. If you have received this communication in error, please notify the sender by reply e-mail and destroy the e-mail message and any physical copies made of the communication. Thank you.

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Wells, Damon R.

From: Wells, Damon R.
Sent: Thursday, March 22, 2007 11:30 AM
To: 'Hilley, Dennis, Col, OSD-NII'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'dennis.deziel@dhs.gov'; 'kennedy.wilson@state.gov'; 'robin.athey@faa.gov'; 'nolenal@state.gov'; 'john.sloan@faa.gov'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Wells, Damon R.; Toomey, Sandra J.
Subject: RE: Questions on Taurus II
Attachments: TaurusII questions.doc; Taurus II - Answers from OSC.doc

(b)(4)

All -

Last Fall we received a briefing from Orbital Sciences on a new launch vehicle development program that Orbital is pursuing (known as the Taurus II). This proposed vehicle would fall roughly in the Delta II-class in terms of performance and would utilize both U.S.-origin and foreign components [REDACTED], as well as components that were manufactured originally overseas but now reportedly have undergone extensive modification by a US company (e.g., the AJ26-58 engine, which is an Aerojet-modified version of the old NK-33 Russian engine). Orbital has asked whether such a vehicle would be considered a "space launch vehicle manufactured in the United States" under the provision in the Space Transportation Policy that requires USG payloads to be launched on such vehicles unless otherwise exempted.

In starting our review process, we first met with Orbital for an informational brief (on August 31), and then sent follow-up, more detailed questions for Orbital to address (see attached). Orbital provided answers to those questions later in the Fall (also attached). However, the process lost momentum during the NSP rollout and 08 budget preparations (our fault, not yours), and we never developed a final, consensus USG response to Orbital's question.

Orbital has since contacted the NSC and OSTP again and raised this question once more, and has expressed some concerns about timing from a business planning perspective. So....we need to pull the group back together and determine a way forward on this issue. Toward that end, there will be an interagency meeting on **Thursday, March 29, from 3:00 to 4:30 p.m. in room 472 of the EEOB (Old Executive)** to discuss the Taurus II issue and Orbital's responses. While we are not looking for final "cleared" agency positions at this juncture, it is important to get a sense of where your agency might come out on this, and your recommendations on how ultimately we should respond. If you believe this could be considered a US vehicle, we need to understand your rationale. Similarly we need to discuss and understand the rationale if you think it cannot. It also would be useful to know whether your agency has any interest or plans in using this vehicle if it were to be developed. Finally, FYI, Orbital has advised that there have been some changes in the plan/structure for this effort, and I will try to learn what those are before the meeting so that we can discuss them.

Please let me know if you have any questions, and as always, please send the full name, DOB and social of all attendees to Sandy Toomey at stoomey@ostp.eop.gov, cc'ing Phil and me.

thanks,

Damon Wells
 OSTP
 202-456-6044

Wells, Damon R.

From: Hilley, Dennis, Col, NII/DoD-CIO [Dennis.Hilley@osd.mil]
Sent: Wednesday, March 28, 2007 4:56 PM
To: Wells, Damon R.; Toomey, Sandra J.
Cc: Huybrechts, Steven, Dr, NII/DoD-CIO
Subject: Re: Questions on Taurus II

to
Refer OSD

-----Original Message-----

From: Wells, Damon R. <Damon_R._Wells@ostp.eop.gov>
To: Huybrechts, Steven, Dr, NII/DoD-CIO
CC: Hilley, Dennis, Col, NII/DoD-CIO
Sent: Wed Mar 28 16:46:01 2007
Subject: FW: Questions on Taurus II

Steve -

Apologies.....looks like you fell off my distro somehow. Not sure how that happened.....but fortunately Dennis is included. Anyway, the e-mail below maps out some of what I hope to accomplish tomorrow, as discussed at the PNT meeting.

Hopefully one of you can make it. But please send name/dob/social to Sandy Toomey at stoomey@ostp.eop.gov as soon as you can if you plan on attending!

thanks,

Damon

From: Wells, Damon R.
Sent: Thursday, March 22, 2007 11:30 AM
To: 'Hilley, Dennis, Col, OSD-NII'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'dennis.deziel@dhs.gov'; 'kennedy.wilson@state.gov'; 'robin.athey@faa.gov'; 'nolenal@state.gov'; 'john.sloan@faa.gov'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Wells, Damon R.; Toomey, Sandra J.
Subject: RE: Questions on Taurus II

(b)(4)

All -

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31817

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Please let me know if you have any questions, and as always, please send the full name, DOB and social of all attendees to Sandy Toomey at stoomey@ostp.eop.gov <<mailto:stoomey@ostp.eop.gov>> , cc'ing Phil and me.

thanks,

Damon Wells
OSTP
202-456-6044

31818

Wells, Damon R.

From: Hilley, Dennis, Col, NII/DoD-CIO [Dennis.Hilley@osd.mil]
Sent: Wednesday, March 28, 2007 4:57 PM
To: Huybrechts, Steven, Dr, NII/DoD-CIO
Cc: Wells, Damon R.
Subject: Fw: Orbital Sciences Briefing and Issue (FOUO)

Refer to
OSD

-----Original Message-----

From: Hilley, Dennis, Col, NII/DoD-CIO
To: Oldenburg, Thomas, FFRDC, OSD-POLICY
Sent: Wed Mar 28 16:49:30 2007
Subject: Re: Orbital Sciences Briefing and Issue (FOUO)

Refer to
OSD

-----Original Message-----

From: Oldenburg, Thomas, FFRDC, OSD-POLICY
To: Hilley, Dennis, Col, NII/DoD-CIO
Sent: Wed Mar 28 15:10:05 2007
Subject: RE: Orbital Sciences Briefing and Issue (FOUO)

Refer to
OSD

-----Original Message-----

From: Hilley, Dennis, Col, OSD-NII
Sent: Monday, September 11, 2006 3:50 PM
To: 'Wells, Damon R.'; Egan, Michael, Dr, OSD-NII; Shearer Thomas Col. SAF/USI; Cline, Lynn (HQ-CA000); Trueheart Tim Ctr SAF/USIX; meyerle@nro.mil; spencjef@nro.mil; Hall, John F. (HQ-ND070); Jim Coates; braibantirl@state.gov; Hodgkins, Kenneth D (OES); mobrien@hq.nasa.gov; Oldenburg, Thomas, FFRDC, OSD-POLICY; patti.smith@faa.gov; herbert.bachner@faa.gov; kim_wells@ita.doc.gov; douglas.brauer@noaa.gov; dennis.deziel@dhs.gov; kennedy.wilson@state.gov; robin.athey@faa.gov; nolenal@state.gov; john.sloan@faa.gov
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Egan, Michael, Dr, OSD-NII

31819

Subject: RE: Orbital Sciences Briefing and Issue (FOUO)

R. M. to OSD

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Wells, Damon R. [mailto:Damon_R. Wells@ostp.eop.gov]

Sent: Monday, September 11, 2006 2:44 PM

To: Wells, Damon R.; Hilley, Dennis, Col, OSD-NII; Egan, Michael, Dr, OSD-NII; Shearer Thomas Col. SAF/USI; Cline, Lynn (HQ-CA000); Trueheart Tim Ctr SAF/USIX; meyerle@nro.mil; spencjef@nro.mil; Hall, John F. (HQ-ND070); Jim Coates; braibantirl@state.gov; Hodgkins, Kenneth D (OES); mobrien@hq.nasa.gov; Oldenburg, Thomas, FFRDC, OSD-POLICY; patti.smith@faa.gov; herbert.bachner@faa.gov; kim_wells@ita.doc.gov; douglas.brauer@noaa.gov; dennis.deziel@dhs.gov; kennedy.wilson@state.gov; robin.athey@faa.gov; nolenal@state.gov; john.sloan@faa.gov

Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher

Subject: RE: Orbital Sciences Briefing and Issue

All -

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Thanks,

Damon

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Sent: Friday, August 11, 2006 7:33 PM

To: 'Hilley, Dennis, Col, OSD-NII'; 'Egan, Michael, Dr, OSD-NII'; 'Shearer Thomas Col. SAF/USI'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates';

'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'herbert.bachner@faa.gov'; 'kim_wells@ita.doc.gov'; 'douglas.brauer@noaa.gov'; 'dennis.deziel@dhs.gov'

Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Ramsay, Adrienne; Shawcross, Paul; Stuart, Shannon; Wells, Robert S.; Ciccolo, Christopher; Sloan, John J.

Subject: Orbital Sciences Briefing and Issue

(b)(4)

All -

There will be an interagency working group meeting on August 31st at 3:00 p.m. (New Executive Office Building, room 5213) during which Orbital Sciences will be providing a briefing on a new launch vehicle development activity that Orbital is pursuing. Known as the Taurus II, this vehicle would fall roughly in the Delta II-class in terms of performance and, significantly, would utilize both U.S.-origin and foreign components [REDACTED] as well as components that were manufactured originally overseas but now reportedly have undergone extensive modification by a U.S. company (the AJ26-58 engine, which is an Aerojet-modified version of the old NK-33 engine).

Orbital has asked whether such a vehicle would be considered a "space launch vehicle manufactured in the United States" under the

provision in the Space Transportation Policy that requires USG payloads to be launched on such vehicles unless otherwise exempted. Answering this question will require interagency discussion and review, and this meeting is intended to kick that discussion off. After Orbital has completed its briefing and we have had an opportunity for some Q&A with the company, we plan to allow some time for USG-only discussion as well.

If you plan to attend this meeting, please e-mail your name/dob/social to Sandra Toomey at stoomey@ostp.eop.gov <BLOCKED::mailto:stoomey@ostp.eop.gov> for clearance into the building, and let me know if you have any questions. FYI, I will be out of the office during the week of the 14th but will return on the 21st.

thanks,

Damon Wells
202-456-6044

This may contain information exempt from mandatory disclosure under the Freedom of Information Act (FOIA).

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Wednesday, May 09, 2007 10:42 PM
To: Wells, Damon R.
Subject: RE: taurus II

Can you at least share the range of possible "conclusions" per your message below?

Mark

Mark E. Bitterman
Senior Vice President, Government Relations
Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

-----"Wells, Damon R." <Damon.R.Wells@ostp.eop.gov> wrote: -----

To: "Mark Bitterman" <Bitterman.Mark@orbital.com>
From: "Wells, Damon R." <Damon.R.Wells@ostp.eop.gov>
Date: 05/09/2007 05:38PM
Subject: RE: taurus II

Mark -

I wasn't aware that OSC had made the decision to move forward with the vehicle. Do you have some PA materials on this that you can share? That would be helpful.

On status of our review of Taurus II -- the process is moving and we are making progress, but we have not yet come to a final conclusion. Nonetheless, the issue IS being worked, as Phil and I discussed with you earlier, and we are trying to bring things to closure as soon as possible given the timing concerns you mentioned a few months ago. FYI, I spoke to Dave Thompson at the Orbital reception in CO and reported largely the same things (he didn't raise the issue, but I nevertheless mentioned it because I wanted him to know where things stood at that time).

Thanks,

Damon

-----Original Message-----

From: Mark Bitterman [<mailto:Bitterman.Mark@orbital.com>]
Sent: Monday, May 07, 2007 5:20 PM
To: Wells, Damon R.
Subject: taurus II

Damon

Now that we're moving forward with Taurus II, I wanted to confirm with you that the USG is comfortable that Taurus II is a US-manufactured launch vehicle.

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Wednesday, May 16, 2007 10:32 AM
To: Wells, Damon R.
Subject: Connect

Damon

Can we talk sometime today re: Taurus II?

Mark

Notice: This e-mail is intended solely for use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged and exempt from disclosure under applicable law. If the reader is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. This communication may also contain data subject to U.S. export laws. If so, that data subject to the International Traffic in Arms Regulation cannot be disseminated, distributed or copied to foreign nationals, residing in the U.S. or abroad, absent the express prior approval of the U.S. Department of State. If you have received this communication in error, please notify the sender by reply e-mail and destroy the e-mail message and any physical copies made of the communication. Thank you.

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31824

Please advise.

Mark

Mark E. Bitterman
Senior Vice President, Government Relations
Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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31825

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Wednesday, May 09, 2007 5:44 PM
To: Wells, Damon R.
Subject: RE: taurus II

(b)(4)

We should probably talk further. [REDACTED] Can you give me some sort of
timeframe, subjects of your
discussions, etc.? [REDACTED]

Please let me know if you need more info, want us to come talk some more, whatever.

Thanks

Mark

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

"Wells, Damon R."
<Damon_R._Wells@o
stp.eop.gov>

05/09/2007 05:38
PM

"Mark Bitterman"
<Bitterman.Mark@orbital.com>

To

cc

Subject

RE: taurus II

Mark -

I wasn't aware that OSC had made the decision to move forward with the
vehicle. Do you have some PA materials on this that you can share?
That would be helpful.

On status of our review of Taurus II -- the process is moving and we are making progress, but
we have not yet come to a final conclusion.

Nonetheless, the issue IS being worked, as Phil and I discussed with you earlier, and we are trying to bring things to closure as soon as possible given the timing concerns you mentioned a few months ago.

FYI, I spoke to Dave Thompson at the Orbital reception in CO and reported largely the same things (he didn't raise the issue, but I nevertheless mentioned it because I wanted him to know where things stood at that time).

Thanks,

Damon

-----Original Message-----

From: Mark Bitterman [mailto:Bitterman.Mark@orbital.com]

Sent: Monday, May 07, 2007 5:20 PM

To: Wells, Damon R.

Subject: taurus II

Damon

Now that we're moving forward with Taurus II, I wanted to confirm with you that the USG is comfortable that Taurus II is a US-manufactured launch vehicle.

Please advise.

Mark

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Monday, May 07, 2007 5:20 PM
To: Wells, Damon R.
Subject: taurus II

Damon

Now that we're moving forward with Taurus II, I wanted to confirm with you that the USG is comfortable that Taurus II is a US-manufactured launch vehicle.

Please advise.

Mark

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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Wells, Damon R.

From: Ed Morris [Ed.Morris@noaa.gov]
Sent: Wednesday, June 06, 2007 11:25 AM
To: Wells, Damon R.; Samanta Roy, Robie I.
Cc: Michael Beavin
Subject: Taurus II

*Refer to
NOAA*

[REDACTED]

31829

Wells, Damon R.

From: Wells, Damon R.
Sent: Monday, June 25, 2007 7:20 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; Bongiovi Robert Maj SAF/USAL
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Toomey, Sandra J.
Subject: 6/29 Wrap-up meeting on Taurus II Issue

For Official Use Only

All --

There will be an interagency meeting from 3:00 to 4:00 p.m. on Friday, June 29, to wrap up our discussions on how the Taurus II (a new launch vehicle being proposed by Orbital Sciences) as presently configured will be viewed under the provisions of the Space Transportation Policy that require USG payloads to fly on space launch vehicles manufactured in the United States (unless otherwise exempted). In particular, we will 1) summarize the status and next steps for this process, 2) make sure we are on one page vis-à-vis the rationale for allowing USG payloads to fly on this proposed vehicle pursuant to the Policy, and 3) discuss if-needed talking points/Q&A's on this topic. These general discussion points will be captured in meeting "minutes" which will ultimately serve as the file record for this matter once you have had the chance to review them (a sample of what we have in mind will be provided at this meeting and then updated and transmitted to you after the meeting).

We are still in the process of confirming a room for the meeting but should have that information available for you tomorrow. Please let me know if you have any questions, and as always please send the full name/DOB/social (and citizenship if not US) of all attendees to Sandy Toomey at stoomey@ostp.eop.gov, cc'ing me.

Thanks,

Damon Wells
OSTP
202-456-6044

31830

Wells, Damon R.

From: Hilley, Dennis, Col, NII/DoD-CIO [Dennis.Hilley@osd.mil]
Sent: Tuesday, June 26, 2007 11:06 AM
To: Wells, Damon R.
Subject: Re: 6/29 Wrap-up meeting on Taurus II Issue

Refer to
OSD

-----Original Message-----

From: Wells, Damon R. <Damon_R._Wells@ostp.eop.gov>
To: Hilley, Dennis, Col, NII/DoD-CIO
CC: Shoemaker Steven Ctr AFPEO/SP
Sent: Tue Jun 26 10:37:36 2007
Subject: RE: 6/29 Wrap-up meeting on Taurus II Issue

Thanks for the heads-up, Dennis. I think it would be good if someone from your shop could be there, if possible, but I'll fill you in afterwards if that doesn't work out. In any event, you'll get a cut at the "minutes."

D

From: Hilley, Dennis, Col, NII/DoD-CIO [mailto:Dennis.Hilley@osd.mil]
Sent: Monday, June 25, 2007 7:59 PM
To: Wells, Damon R.
Cc: Shoemaker Steven Ctr AFPEO/SP
Subject: Re: 6/29 Wrap-up meeting on Taurus II Issue

Refer to
OSD

-----Original Message-----

From: Wells, Damon R. <Damon_R._Wells@ostp.eop.gov>
To: Hilley, Dennis, Col, NII/DoD-CIO; Huybrechts, Steven, Dr, NII/DoD-CIO; Frakes, Patrick F Col OSD POLICY; Cline, Lynn (HQ-CA000) <lynn.cline@nasa.gov>; Trueheart Tim Ctr SAF/USI; meyerle@nro.mil <meyerle@nro.mil>; spencjef@nro.mil <spencjef@nro.mil>; Hall, John F. (HQ-ND070) <john.f.hall@nasa.gov>; Jim Coates <jimec@odci.gov>; braibantirl@state.gov <braibantirl@state.gov>; Hodgkins, Kenneth D (OES) <HodgkinsKD@state.gov>; mobrien@hq.nasa.gov <mobrien@hq.nasa.gov>; Oldenburg, Thomas, FFRDC, OSD-POLICY; patti.smith@faa.gov <patti.smith@faa.gov>; kim_wells@ita.doc.gov <kim_wells@ita.doc.gov>; Ed Morris <Ed.Morris@noaa.gov>; john.sloan@faa.gov <john.sloan@faa.gov>; ganzerak@state.gov <ganzerak@state.gov>; Bongiovi Robert Maj SAF/USAL
CC: Ritcheson, Philip L. <Philip_L._Ritcheson@nsc.eop.gov>; Samanta Roy, Robie I. <Robie_I._SamantaRoy@ostp.eop.gov>; Shawcross, Paul <Paul_Shawcross@omb.eop.gov>; Stuart, Shannon <Shannon_Stuart@omb.eop.gov>; Schaefer, Ryan J. <Ryan_J._Schaefer@omb.eop.gov>; Kundu, Joydip <Joydip_Kundu@omb.eop.gov>; Kaminski, Amy <Amy_Kaminski@omb.eop.gov>; Toomey, Sandra J. <Sandra_J._Toomey@ostp.eop.gov>
Sent: Mon Jun 25 19:20:03 2007
Subject: 6/29 Wrap-up meeting on Taurus II Issue

For Official Use Only

31831

All –

There will be an interagency meeting from 3:00 to 4:00 p.m. on Friday, June 29, to wrap up our discussions on how the Taurus II (a new launch vehicle being proposed by Orbital Sciences) as presently configured will be viewed under the provisions of the Space Transportation Policy that require USG payloads to fly on space launch vehicles manufactured in the United States (unless otherwise exempted). In particular, we will 1) summarize the status and next steps for this process, 2) make sure we are on one page vis-à-vis the rationale for allowing USG payloads to fly on this proposed vehicle pursuant to the Policy, and 3) discuss if-needed talking points/Q&A's on this topic. These general discussion points will be captured in meeting "minutes" which will ultimately serve as the file record for this matter once you have had the chance to review them (a sample of what we have in mind will be provided at this meeting and then updated and transmitted to you after the meeting).

We are still in the process of confirming a room for the meeting but should have that information available for you tomorrow. Please let me know if you have any questions, and as always please send the full name/DOB/social (and citizenship if not US) of all attendees to Sandy Toomey at stoomey@ostp.eop.gov <<mailto:stoomey@ostp.eop.gov>> , cc'ing me.

Thanks,

Damon Wells

OSTP

202-456-6044

31832

Wells, Damon R.

From: Wells, Damon R.
Sent: Monday, July 02, 2007 8:14 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; 'Bongiovi Robert Maj SAF/USAL'; 'Shoemaker Steven Ctr AFPEO/SP'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Hinds, Emma S.
Subject: Draft "Summary of Conclusions" on Taurus II Issue
Attachments: Taurus II - Summary of Conclusions-June29-07V2.doc

For Official Use Only

All –

As discussed in Friday's Taurus II meeting, we have prepared a draft "summary of conclusions" (see attached) regarding the Taurus II issue that ultimately will serve as the file record for our discussions on this matter. The version attached is very similar to what you saw in hard copy at the June 29 meeting, though I have made a few tweaks (particularly in the first paragraph) to clarify the text a bit and also have incorporated the suggestions made during the meeting.

So that we can bring this process to a close, please review this draft and send me any comments that you might have by COB Wednesday, July 11. Again as discussed at the meeting, this process has effectively been conducted at the sub-PCC level, and we will view this document as having been reviewed/cleared at that level once it is finalized (we leave it to agency discretion to decide how to clear the document internally). Once I have received your comments, I will incorporate them into a final version (likely on some sort of OSTP letterhead), along with appropriate OSTP contact information, and then transmit the summary to you electronically for your records. Early next week, we also will send draft, if-needed talking points on this issue for your review. The final version of these talkers (including any comments you may have) will be incorporated into the cover e-mail when we send you the final version of the summary of conclusions.

Please let me know if you have any questions, and many thanks for all of your work on this issue.

Damon Wells
 OSTP
 202-456-6044

From: Wells, Damon R.
Sent: Thursday, June 28, 2007 4:02 PM
To: Wells, Damon R.; 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; 'Bongiovi Robert Maj SAF/USAL'; 'Shoemaker Steven Ctr AFPEO/SP'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Toomey, Sandra J.
Subject: RE: 6/29 Wrap-up meeting on Taurus II Issue

Folks –

Just a quick follow-up here with the room location for this meeting, as promised. The meeting will be in the Eisenhower (Old) Executive Office Building in Room 472, from 3 to 4 p.m.

Thanks and I'll see you tomorrow,

Damon Wells

31833

OSTP
202-456-6044

From: Wells, Damon R.

Sent: Monday, June 25, 2007 7:20 PM

To: 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'meyerle@nro.mil'; 'spencjef@nro.mil'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; Bongiovi Robert Maj SAF/USAL

Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Toomey, Sandra J.

Subject: 6/29 Wrap-up meeting on Taurus II Issue

For Official Use Only

All –

There will be an interagency meeting from 3:00 to 4:00 p.m. on Friday, June 29, to wrap up our discussions on how the Taurus II (a new launch vehicle being proposed by Orbital Sciences) as presently configured will be viewed under the provisions of the Space Transportation Policy that require USG payloads to fly on space launch vehicles manufactured in the United States (unless otherwise exempted). In particular, we will 1) summarize the status and next steps for this process, 2) make sure we are on one page vis-à-vis the rationale for allowing USG payloads to fly on this proposed vehicle pursuant to the Policy, and 3) discuss if-needed talking points/Q&A's on this topic. These general discussion points will be captured in meeting "minutes" which will ultimately serve as the file record for this matter once you have had the chance to review them (a sample of what we have in mind will be provided at this meeting and then updated and transmitted to you after the meeting).

We are still in the process of confirming a room for the meeting but should have that information available for you tomorrow. Please let me know if you have any questions, and as always please send the full name/DOB/social (and citizenship if not US) of all attendees to Sandy Toomey at stoomey@ostp.eop.gov, cc'ing me.

Thanks,

Damon Wells
OSTP
202-456-6044

31834

Wells, Damon R.

From: Wells, Damon R.
Sent: Friday, July 20, 2007 6:33 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; 'Bongiovi Robert Maj SAF/USAL'; 'Shoemaker Steven Ctr AFPEO/SP'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Hinds, Emma S.
Subject: Final "Summary of Conclusions" on Taurus II Issue
Attachments: Taurus II - Summary of Conclusions-July12-07-final.doc

For Official Use Only

All –

Attached is the final "summary of conclusions" regarding our interagency discussions on the Taurus II issue, incorporating some comments that we received from you regarding the July 2nd draft. I should note that the only substantive changes relative to that earlier version are contained in the "potential benefits" paragraph, which we tweaked slightly to more accurately capture the performance range of this proposed launch vehicle and to be a bit clearer about the possible benefits. Otherwise this is unchanged from what you have seen before.

As earlier discussed, this summary is meant to represent the record of our discussions on this matter over the last several months and should be retained for your files. No further action is required via this process for implementation of this approach. In other words, now that we have completed this review, USG agencies have the ability to pursue the use of the Taurus II launch vehicle through standard agency means and procedures if desired.

Finally, in our last meeting we discussed developing "if-needed" talking points regarding this issue in the event of questions on the topic. We agreed that these should be kept as concise and simple as possible, along the following lines (these are largely lifted from the summary document):

- Agencies have reviewed the Taurus II issue and determined that the Taurus II as currently configured will be eligible to launch USG payloads without additional waivers or exemptions relative to the applicable provisions of the U.S. Space Transportation Policy.
- All other policy or regulatory provisions regarding the use of this proposed launch vehicle by USG or commercial customers would continue to apply in the normal manner.
- This approach regarding the Taurus II is consistent with the policy precedents established for other similarly-configured launch vehicles.

Recognizing that you have not yet seen these draft talking points, please let me know if you have any comments or changes to them by COB Tuesday the 24th, after which I'll send out a final version.

Once again, thanks for all of your work and input on this issue, and please let me know if you have any questions.

Damon Wells
 OSTP
 202-456-6044

31835

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Monday, July 23, 2007 10:00 AM
To: Wells, Damon R.
Subject: Re: T-II

You've got it

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----- Original Message -----

From: "Wells, Damon R." [Damon_R._Wells@ostp.eop.gov]
Sent: 07/23/2007 09:58 AM
To: Mark Bitterman
Subject: RE: T-II

How does 11:30 this morning work for you?

-----Original Message-----

From: Mark Bitterman [mailto:Bitterman.Mark@orbital.com]
Sent: Sunday, July 22, 2007 5:23 PM
To: Wells, Damon R.
Subject: Re: T-II

What's a good time to talk tomorrow?

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----- Original Message -----

From: "Wells, Damon R." [Damon_R._Wells@ostp.eop.gov]

31836

Sent: 07/20/2007 07:18 PM
To: Mark Bitterman
Subject: RE: T-II

(b)(4)

Mark -

Just letting you know that I received your e-mail, and no worries re the "bugging" (smile).
[REDACTED]
[REDACTED] (which we'll be able to do, BTW). I can give you a buzz to discuss either first thing Monday morning if that works, or even this weekend as needed.

Let me know,

Damon

-----Original Message-----

From: Mark Bitterman [mailto:Bitterman.Mark@orbital.com]
Sent: Friday, July 20, 2007 1:42 PM
To: Wells, Damon R.
Subject: T-II

(b)(4)

Damon

Sorry to bug you but we're down to the wire here with [REDACTED]
have an answer?

Do we

Mark

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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31837

Wells, Damon R.

From: Wells, Damon R.
Sent: Friday, August 03, 2007 7:03 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; 'Bongiovi Robert Maj SAF/USAL'; 'Shoemaker Steven Ctr AFPEO/SP'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Hinds, Emma S.
Subject: RE: Final "Summary of Conclusions" on Taurus II Issue

For Official Use Only

Folks --

This is just to close the loop and let you know that no agencies suggested changes to the if-needed talking points (provided in the e-mail below) regarding the Taurus II issue. So please use these talking points in the event questions arise regarding this process. That was the only remaining action item, so we now can close out the review on this matter (FYI – OSC was informed of the outcome during a phone call last week). Thanks again for your help and inputs.....

Damon Wells
 OSTP
 202-456-6044

From: Wells, Damon R.
Sent: Friday, July 20, 2007 6:33 PM
To: 'Hilley, Dennis, Col, OSD-NII'; 'Huybrechts, Steven, Dr, NII/DoD-CIO'; 'patrick.frakes@osd.mil'; 'Cline, Lynn (HQ-CA000)'; 'Trueheart Tim Ctr SAF/USIX'; 'Hall, John F. (HQ-ND070)'; 'Jim Coates'; 'braibantirl@state.gov'; 'Hodgkins, Kenneth D (OES)'; 'mobrien@hq.nasa.gov'; 'Oldenburg, Thomas, CTR, OSD-POLICY'; 'patti.smith@faa.gov'; 'kim_wells@ita.doc.gov'; 'Ed Morris'; 'john.sloan@faa.gov'; 'ganzerak@state.gov'; 'Bongiovi Robert Maj SAF/USAL'; 'Shoemaker Steven Ctr AFPEO/SP'
Cc: Ritcheson, Philip L.; Samanta Roy, Robie I.; Shawcross, Paul; Stuart, Shannon; Schaefer, Ryan J.; Kundu, Joydip; Kaminski, Amy; Hinds, Emma S.
Subject: Final "Summary of Conclusions" on Taurus II Issue

For Official Use Only

All --

Attached is the final "summary of conclusions" regarding our interagency discussions on the Taurus II issue, incorporating some comments that we received from you regarding the July 2nd draft. I should note that the only substantive changes relative to that earlier version are contained in the "potential benefits" paragraph, which we tweaked slightly to more accurately capture the performance range of this proposed launch vehicle and to be a bit clearer about the possible benefits. Otherwise this is unchanged from what you have seen before.

As earlier discussed, this summary is meant to represent the record of our discussions on this matter over the last several months and should be retained for your files. No further action is required via this process for implementation of this approach. In other words, now that we have completed this review, USG agencies have the ability to pursue the use of the Taurus II launch vehicle through standard agency means and procedures if desired.

Finally, in our last meeting we discussed developing "if-needed" talking points regarding this issue in the event of questions on the topic. We agreed that these should be kept as concise and simple as possible, along the following lines (these are largely lifted from the summary document):

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- Agencies have reviewed the Taurus II issue and determined that the Taurus II as currently configured will be eligible to launch USG payloads without additional waivers or exemptions relative to the applicable provisions of the U.S. Space Transportation Policy.
- All other policy or regulatory provisions regarding the use of this proposed launch vehicle by USG or commercial customers would continue to apply in the normal manner.
- This approach regarding the Taurus II is consistent with the policy precedents established for other similarly-configured launch vehicles.

Recognizing that you have not yet seen these draft talking points, please let me know if you have any comments or changes to them by COB Tuesday the 24th, after which I'll send out a final version.

Once again, thanks for all of your work and input on this issue, and please let me know if you have any questions.

Damon Wells
OSTP
202-456-6044

31839

Wells, Damon R.

From: Mark Bitterman [Bitterman.Mark@orbital.com]
Sent: Tuesday, September 04, 2007 4:35 PM
To: Wells, Damon R.
Subject: Taurus II

Damon

We'd like to come by and brief you on the final Taurus II configuration as well as on the market analyses we've been doing. I was thinking we might brief you and OMB together but only if that's appropriate on your end.

*Personal
Privacy*

Let me know.

Hope you've had a great summer!

[REDACTED]

Mark

Mark E. Bitterman
Senior Vice President, Government Relations Orbital Sciences Corporation
21839 Atlantic Boulevard
Dulles, VA 20166
(703) 406-5523
bitterman.mark@orbital.com

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Unresponsive

EOP Staff Meeting with Orbital Sciences: Orbital Sciences and Aerojet representatives briefed OSTP and other EOP staff on June 6th regarding Orbital's plans to develop a "Taurus II" launch vehicle, which is expected to have roughly the performance of Boeing's current Delta II. Of particular interest is the fact that Orbital intends to use an Aerojet-modified engine originally built in [REDACTED] for the vehicle's first stage propulsion. [REDACTED]

[REDACTED] Other major components would largely be developed in the U.S. Orbital is seeking guidance on whether the vehicle can be considered a U.S. vehicle under the Space Transportation Policy, which requires USG payloads to be launched on U.S.-manufactured vehicles (subject to certain waivers and exemptions). EOP staff explained that the issue is not clear-cut and would need to be reviewed with interested agencies. Orbital and Aerojet indicated that they are prepared to brief an interagency group to facilitate that review process. That briefing will be set up shortly by OSTP staff, followed by a process to determine how best to categorize the Taurus II under this provision. (Wells)

(b)(4)

Unresponsive

Unresponsive

Orbital Science Corp.'s Taurus II Program: On Thursday, August 31, OSTP staff convened an interagency meeting to discuss a proposal by the Orbital Sciences Corporation (OSC) for the development of a new launch vehicle that would contain a significant amount of [REDACTED] hardware (the proposed vehicle's performance would place it in the medium launch class, similar to Boeing's Delta II and thus less than the EELV). OSC is interested in serving the USG payload market and has requested an opinion on whether the proposed vehicle (with these non-U.S. components) could be considered a space launch vehicle "manufactured in the United States" under the provision of the U.S. Space Transportation Policy that requires USG payloads

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31843

to fly on such vehicles (note that the Policy does not provide an explicit definition for this issue, necessitating a case-by-case review of proposals/requests like this one). During the meeting, OSC provided a briefing on the topic, after which there was further USG-only discussion. It was agreed among the agencies that further information is needed from OSC before being able to address this question properly, and that OSTP (in coordination with the NSC) would collect agency questions and transmit them to OSC. There likely will be additional meetings on this issue in coming weeks. *(Wells)*

Unresponsive

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**Current USG Questions in Response to OSC Briefing on Taurus II
Launch Vehicle Development Program**

nonresponsive

Meeting with Orbital Sciences on Taurus II Development Plans: OSTP and OMB staff met with the Orbital Sciences Corporation (OSC) on March 21 for a briefing on the firm's development plans and schedule regarding the Taurus II launch vehicle, which was recently selected by NASA as the second commercial demonstration vehicle under NASA's Commercial Orbital Transportation Services (COTS) program (aimed at facilitating the development of U.S. commercial launch capabilities for servicing the ISS). NASA had initially selected SpaceX and Rocketplane Kistler in 2006 to provide COTS demonstration vehicles, but Rocketplane Kistler lost its share of COTS development funding late last year due to its failure to meet specific pre-agreed development milestones. OSC explained during this briefing that it hopes to provide launch support both for ISS cargo requirements, as well as for NASA and DOD medium-class spacecraft, and is maximizing the use of existing components in order to minimize development cost and time. It expects to provide \$150 million of its own funds in support of this effort. While the Taurus II development effort is in its early stages, this vehicle seems to be a promising addition to the various launch concepts and approaches that have been proposed for the ISS support mission, and OSC (an already established launch provider) seems to be committed to seeing this effort through to completion. We will continue to monitor the OSC (and rival SpaceX) efforts closely given the importance of the COTS effort and the need for reliable commercial capabilities that can help support the ISS following Shuttle retirement and before the CEV becomes operational. *(Samanta Roy, Wells)*

Unresponsive

Unresponsive

Interagency Meeting on Orbital Science Corp.'s Taurus II Development Program: OSTP and NSC staff convened an interagency meeting on March 29 for further discussions on a proposal by the Orbital Sciences Corporation (OSC) for the development of a new Delta II-class launch vehicle (the "Taurus II") that would contain some foreign components, including a US-modified first-stage engine originally manufactured in Russia. OSC is interested in serving the USG payload market and has requested USG views on whether this proposed vehicle could be considered a space launch vehicle "manufactured in the United States" under the provision of the U.S. Space Transportation Policy that requires USG payloads to fly on such vehicles. OSC first raised this issue last fall but recently has made significant design changes to the initial concept, replacing a planned foreign upper stage engine with a U.S.-built engine. With these changes, most agencies seem to hold the preliminary view that the proposed vehicle could be considered a "U.S. vehicle," much like Lockheed Martin's Atlas V launch vehicle in the EELV family (the Atlas V also has a foreign-manufactured first stage engine). However, all agreed that further discussions are needed, both on the substance of the question as well as on the mechanics of communicating a response to OSC. (Wells)



29 March 2007

Office of Science and Technology Policy
Executive Office of the President
New Executive Office Building
725 17th Street, NW
Washington, DC 20502

Attention: Damon Wells

Dear Damon,

Orbital is looking forward to continuing our meetings with OSTP concerning Taurus II. Since our last meeting there have been some changes to the Taurus II configuration. The primary change is to replace the Ukrainian manufactured liquid upper stage with a solid propellant upper stage built in the U.S. by ATK. The overall percentage of U.S. manufacturing calculated on a cost basis has increased from that presented at the last meeting. We also anticipate that the market for this vehicle will usually require strap-on boosters of U.S. manufacture but we are still maintaining a no strap-on configuration.

I have attached the Technology Assistance Agreement (TAA) that we submitted to the State department in anticipation of project go-ahead. This TAA only covers the design phase but may provide additional useful details on vehicle configuration. It is envisioned that another TAA would be submitted at a later date to control the operational phase, including serial manufacturing.

If any additional information is required before we meet, please don't hesitate to contact me via phone or email at 703-406-5221 (work), 703-285-7813 (cell), richards.bob@orbital.com.

Sincerely,

A handwritten signature in cursive script that reads "Robert T. Richards".

Robert T. Richards
Vice President
Orbital Launch Systems
Launch Systems Group

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(b)(4)

April 23, 2007

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31855

Orbital Sciences Eyes Investment in Large Rocket

PETER B. de SELDING, PARIS

Orbital Sciences Corp., which has built its success on providing small satellites and launch vehicles to commercial and government customers, is considering an expansion of its rocket business to be able to carry much larger satellites into orbit, Orbital Chief Executive David W. Thompson said.

Such a move — like Orbital Sciences' decision to invest in small commercial telecommunications satellites several years ago — would buck conventional industry wisdom, especially among publicly traded companies.

In both the United States and Europe, satellite launching is viewed as a low-margin business at best and investment in new vehicles can be justified only by substantial guaranteed government backing, the presence of a rich entrepreneur — or both.

In an April 19 conference call with investors, Thompson said the Dulles, Va.-based Orbital Sciences nonetheless sees a market opening to enlarge its rocket portfolio beyond the aircraft-launched Pegasus, the ground-launched Taurus and the Minotaur, which is based largely on excess strategic missile hardware.

"There is a much bigger adjacent opportunity for us to move up from 1.2 metric tons of satellite capacity to, say, 4.5 metric tons," Thompson said. "We're looking very seriously now at potentially doing that in a way that would make sense to customers who have relied on an existing product in that category that seems to be fading away — and that also would be a good business opportunity."

Launch vehicles in 2006 accounted for about 40 percent of Orbital Sciences' total revenue of \$790 million, but the three rockets designed to place satellites into space

were just 9 percent of the total, behind sub-orbital interceptor and target vehicles for the U.S. Defense Department and the U.S. Missile Defense Agency.

Orbital Sciences currently competes with the German-Russian Eurockot Launch Services GmbH venture of Bremen, Germany, in the market to launch relatively small government science and Earth observation satellites, mainly for government customers. Eurockot uses a converted Russian ballistic missile.

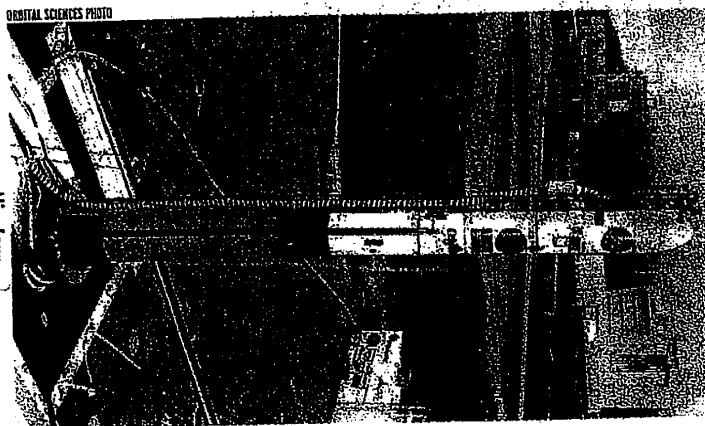
Orbital's view of Eurockot was spelled out clearly April 11 in remarks by Garrett E. Pierce, the company's chief financial officer, in a presentation to investors.

"The question is what the competitive advantage is for Orbital relative to the European-Russian rocket," Pierce said. "If you want a relatively cheap rocket, but it's not highly reliable, you'll buy the Russian-European rocket. If you want a reliable rocket that's affordable but priced fairly, you'll buy our rocket."

Meanwhile, Orbital Sciences' decision to invest heavily in a line of commercial telecommunications satellites continues to pay off. This product line, featuring the star-2 satellite platform, accounted for one-third of the company's 2006 revenue.

That performance likely will be repeated or surpassed in 2007. The company expects to deliver five commercial satellites this year and already has booked orders for three new spacecraft — two for Washington-based IntelSat and one for Opus Networks of Australia.

Thompson said a fourth commercial telecommunications satellite order is expected in the next month. Industry officials said Orbital is one of the favored bidders in the competition for an order from Telenor Satellite Broadcasting of Norway, Telenor's



Minotaur

last satellite purchase, in 2004, was from Orbital Sciences.

Satellite-fleet operator SES Global of Luxembourg also is weighing the purchase of new satellites for its SES Americom, SES New Skies and SES Astra divisions.

Thompson said that with three new orders and one option already booked for 2007, Orbital Sciences is on track to win five commercial telecommunications satellite contracts in total this year, a harvest that he said would correspond to about half the expected global market for spacecraft of

this class.

The U.S. dollar's recent weakness against the euro will help Orbital Sciences against its European competition, but the field of players is growing. Astrium Satellites of Europe has joined forces with India's Antrix Corp. to produce commercial satellites, and OHB System of Germany, backed by European government funding, expects to enter this market starting in 2010.

Small-satellite specialist Surrey Satellite Technology Ltd. of Britain also is targeting the commercial geostationary satellite market.

Orbital Sciences currently produces a telecommunications satellite in about 24 months but expects to be able to reduce that to 21 months as part of a series of manufacturing improvements to be introduced in the next 18 months, Thompson said.

Orbital Sciences in 2006 received \$1.2 million in incentive payments from Earth observation satellite data provider GeoEye Inc. for the performance of the Orbital-built OrbView-3 high-resolution imaging satellite. A similar payment was expected this spring.

In March, GeoEye of Dulles reported that OrbView-3's camera had failed and most likely cannot be recovered. The satellite was launched in June 2003 and had been expected to operate for more than seven years.

Thompson said Orbital expects to receive most of its 2007 incentive payment despite the camera failure insofar as GeoEye "got the economic value of the satellite for roughly 10 [months] of the 12-month period that the current-year incentive would apply to. ... But it remains to be seen whether that will materialize in the second quarter."

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Summary of Conclusions Regarding Launch of USG Payloads on Taurus II Vehicle

On June 29, 2007, the Office of Science and Technology Policy, in coordination with staff from the National Security Council, convened a meeting of the interagency working group for launch policy-related issues (effectively at the "sub-PCC" level) for further discussions concerning the proposed Taurus II launch vehicle being developed by the Orbital Sciences Corporation (OSC). This interagency group has been considering the question of whether U.S. Government (USG) payloads should be permitted to launch on the Taurus II vehicle without additional waivers or exemptions in the context of Section V(1)(a) of the U.S. Space Transportation Policy (which states that "United States Government payloads shall be launched on space launch vehicles manufactured in the United States, unless exempted by the Director of the Office of Science and Technology Policy, in consultation with the Assistant to the President for National Security Affairs."). This issue has been under discussion by the interagency working group for some time, and the purpose of the June 29 meeting was to finalize those discussions and ensure consensus among agencies regarding the approach that will be used by agencies going forward (as well as on the supporting facts and rationale).

In this regard, it was agreed by representatives of participating agencies (the Departments of Defense, State, and Commerce; the Federal Aviation Administration; the National Aeronautics and Space Administration; and relevant offices from the Executive Office of the President) during this meeting that the Taurus II as currently configured will be permitted to launch USG payloads without additional waivers or exemptions pursuant to Section V(1)(a) of the Policy, i.e. it will be treated as a space launch vehicle manufactured in the United States for purposes of interpreting the applicability of this provision of the Policy.¹ All other policy or regulatory provisions or procedures relevant to the potential use of this proposed vehicle by USG or commercial customers -- e.g., in areas such as public safety, export controls, procurement standards, operational certification by agencies, etc. -- would continue to apply in the normal manner.

With regard to rationale for this approach, it was agreed that interpreting Section V(1)(a) of the Policy in this way *vis-à-vis* the proposed Taurus II vehicle is fully consistent with the policy precedent already established for the Atlas V Evolved Expendable Launch Vehicle, which has approximately the same amount of non-U.S. content as the proposed Taurus II vehicle and is permitted to launch USG payloads without exemptions or waivers pursuant to this section of the Policy. For reference, the Atlas V similarly has a Russian-manufactured first-stage engine, as well as certain other non-U.S. manufactured elements, such as the payload fairing.

Participating agencies also recognized that the development of the Taurus II could have several benefits for the national interest, including: 1) a launch option in the medium, or Delta II, class (of potential importance after the Delta II is discontinued); 2) enhancement of the U.S. industrial base; and 3) other economic benefits.

No further action will be required via this process for implementation of this approach. With this guidance, USG agencies have the ability to pursue the use of the Taurus II through standard agencies means and procedures, if so desired.

¹ The currently proposed Taurus II configuration involves a modified first stage engine originally manufactured in Russia and Ukrainian-manufactured first stage propellant tanks. The second stage, fairing, strap-on boosters, avionics, structure and overall systems engineering will be provided by U.S. firms. Any significant increase in non-U.S. components from this level could necessitate further review relative to the applicable provisions of the Policy.

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In this regard, it was agreed by representatives of the Departments of Defense, Commerce, and State; the Federal Aviation Administration; the National Aeronautics and Space Administration; and relevant offices from the Executive Office of the President that the Taurus II launch vehicle as currently configured will be eligible to launch USG payloads without additional waivers or exemptions pursuant to Section V(1)(a) of the Space Transportation Policy, i.e. the currently proposed configuration of the Taurus II will be treated as a space launch vehicle manufactured in the United States for purposes of interpreting the applicability of this provision of the policy.¹ All other policy or regulatory provisions or procedures relevant to the potential use of this proposed vehicle by USG or commercial customers – e.g., in areas such as public safety, export controls, procurement standards, operational certification by agencies, etc. -- would continue to apply in the normal manner.

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Participating agencies also recognized that the development of the Taurus II could have several benefits for the national interest, such as: 1) providing a new launch option in the medium, or Delta II, performance class (of potential importance after the Delta II vehicle is discontinued); 2) enhancement of the U.S. industrial base; and 3) other economic benefits.

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No further action will be required via this process for implementation of this approach. With this guidance, USG agencies have the ability to pursue the use of the Taurus II launch vehicle through standard agency means and procedures, if so desired.

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No further action will be required via this process for implementation of this approach. With this guidance, USG agencies have the ability to pursue the use of the Taurus II through standard agencies means and procedures, if so desired.

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Participating agencies also recognized that the development of the Taurus II could have several benefits for the national interest, such as: 1) providing a new launch option in the medium, or Delta II, performance class (of potential importance after the Delta II vehicle is discontinued); 2) enhancement of the U.S. industrial base; and 3) other economic benefits. *note 1* *successful deployment* *various (certified)* *value* *commercial* *applicability* *USC*

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No further action will be required via this process for implementation of this approach. With this guidance, USG agencies have the ability to pursue the use of the Taurus II launch vehicle through standard agency means and procedures, if so desired.

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Summary of Conclusions Regarding Launch of USG Payloads on Taurus II Vehicle

On June 29, 2007, the Office of Science and Technology Policy, in coordination with the National Security Council, convened an interagency working group meeting at the sub-PCC level in support of the implementation of the 2004 U.S. Space Transportation Policy. In particular, this meeting was held to further interagency discussions concerning the proposed Taurus II launch vehicle being developed by the Orbital Sciences Corporation (OSC). This interagency working group has been considering the question of whether the Taurus II vehicle should be eligible to launch U.S. Government (USG) payloads without additional waivers or exemptions in the context of Section V(1)(a) of the U.S. Space Transportation Policy. That section of the policy states that "United States Government payloads shall be launched on space launch vehicles manufactured in the United States, unless exempted by the Director of the Office of Science and Technology Policy, in consultation with the Assistant to the President for National Security Affairs." This issue has been under discussion by the interagency group for some time, and the purpose of this meeting was to finalize those discussions and ensure consensus regarding the approach that will be used by agencies going forward (as well as on the supporting facts and rationale).

In this regard, it was agreed by representatives of the Departments of Defense, Commerce, and State; the Federal Aviation Administration; the National Aeronautics and Space Administration; and relevant offices from the Executive Office of the President that the Taurus II launch vehicle as currently configured will be eligible to launch USG payloads without additional waivers or exemptions pursuant to Section V(1)(a) of the Space Transportation Policy, i.e. the currently proposed configuration of the Taurus II will be treated as a space launch vehicle manufactured in the United States for purposes of interpreting the applicability of this provision of the policy.¹ All other policy or regulatory provisions or procedures relevant to the potential use of this proposed vehicle by USG or commercial customers -- e.g., in areas such as public safety, export controls, procurement standards, operational certification by agencies, etc. -- would continue to apply in the normal manner.

With regard to rationale for this approach, it was agreed that interpreting Section V(1)(a) of the policy in this way *vis-à-vis* the proposed Taurus II vehicle is fully consistent with the policy precedent already established for the Atlas V Evolved Expendable Launch Vehicle, which has approximately the same amount of non-U.S. content as the proposed Taurus II vehicle and is permitted to launch USG payloads without exemptions or waivers pursuant to this section of the policy. For reference, the Atlas V similarly has a Russian-manufactured first-stage engine, as well as certain other non-U.S. manufactured elements, such as the vehicle's payload fairing.

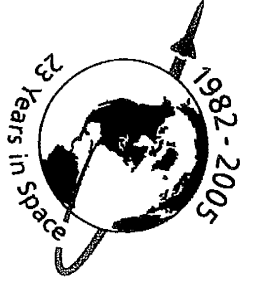
Participating agencies also noted that the successful development and deployment of the Taurus II could have certain benefits for the national interest, such as: 1) providing a new launch option in the lower end of the medium performance class (of potential value after the Delta II vehicle is discontinued); 2) enhancement of the U.S. industrial base; and 3) potential commercial uses.

¹ The current Taurus II configuration involves a modified first stage engine originally manufactured in Russia and Ukrainian-manufactured first stage propellant tanks. The second stage, fairing, strap-on boosters, avionics, structure and overall systems engineering will be provided by U.S. firms. Any significant increase in non-U.S. components from this proposed level could necessitate further review relative to the applicable provisions of the policy.

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No further action will be required via this process for implementation of this approach. With this guidance, USG agencies have the ability to pursue the use of the Taurus II launch vehicle through standard agency means and procedures, if so desired.

Prepared By: Damon Wells, OSTP, 07/12/2007



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Space Launch Vehicle Policy Issues

Presented to

Dr. Robie I. Samanta Roy

20 October 2005

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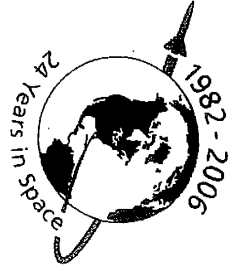
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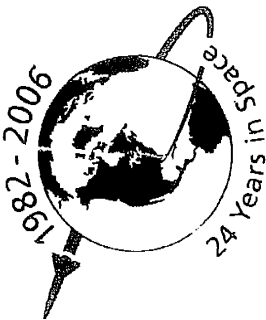
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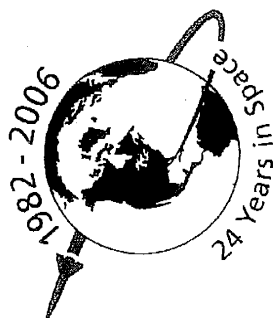
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**Space Launch Policy Issues
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**Presented to
Damon R. Wells
Senior Policy Analyst
31 August 2006**



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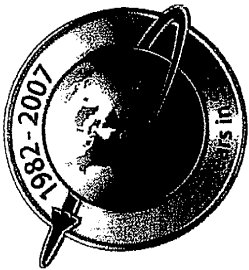
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24 September 2007



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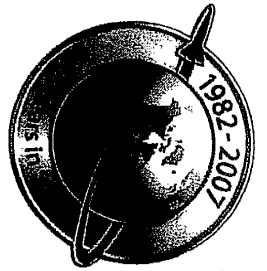
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